

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

David L. McBrayer,	:	
	:	
Petitioner,	:	Civil Action 2:10-cv-348
	:	
v.	:	Judge Frost
	:	
Warden, Noble Correctional	:	Magistrate Judge Abel
Institution,	:	
	:	
Respondent.	:	
	:	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner David L. McBrayer filed his petition for writ of habeas corpus on April 23, 2010. (Doc. 3.) On June 13, 2011, the Magistrate Judge issued a Report and Recommendation, recommending that the petition be dismissed on grounds that nothing in the record supported Petitioner's allegation that his guilty plea was not knowing, intelligent and voluntary. (Doc. 12.) Although he had fourteen days to do so, Petitioner did not file objections to the Report and Recommendation. 28 U.S.C. §636(b)(1). He was specifically advised that failure to file objections would result in a waiver of his right to have the district judge review the Report and Recommendation *de novo*, as well as a waiver of his right to appeal the decision of the District Court to the United States Court of Appeals. (Doc. 12 at 9-10.)

As Petitioner has waived his right to *de novo* review, and as the Court finds

the Report and Recommendation well taken, it hereby **ADOPTS** the Report and Recommendation and **DISMISSES** the petition for writ of habeas corpus.

/s/ Gregory L. Frost
United States District Judge